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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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LAVERN FARNSWORTH,

Plaintiff,

vs.

DR. DENNIS HARSTON, *et al.*,

Defendants.

**MEMORANDUM DECISION  
and ORDER**

Case No. 2:10-cv-238 CW

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On January 27, 2011, the court remanded this action to Utah state court. At that time, the court also decided that an award of attorney fees and costs under 28 U.S.C. § 1447(c) against Defendants Altuis Health Plans, Inc. and Dr. Dennis Harston was appropriate because those Defendants were aware of what appeared to be controlling authority that precluded removal, but attempted to remove and did not attempt to explain the impact of that authority. The court granted Ms. Farnsworth ten days from the date of the Remand Order to submit evidence of her fees and costs related to her motion to remand and allowed Defendants seven days after that submission to object to the evidence.

On February 2, 2011, Ms. Farnsworth submitted evidence that she incurred attorney fees in the amount of \$14,331.25 in connection with her motion to remand. As of the date of this Order, Defendants have not objected to that evidence, and their time for doing so has passed. The court has reviewed the submission and finds that Ms. Farnsworth's evidence is satisfactory to show that she incurred \$14,331.25 in attorney fees.

## CONCLUSION AND ORDER

For the reasons discussed above, pursuant to 28 U.S.C. § 1447(c), Defendants Altius Health Plans, Inc. and Dr. Dennis Harston are ORDERED to pay Ms. Farnsworth \$14,331.25, costs she incurred as a result of the removal in this case.

DATED this 28th day of February, 2011.

BY THE COURT:



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Clark Waddoups  
United States District Judge